

§ 161.4

at anchor on the navigable waters of the United States within a VTS area, to the extent the VTS considers necessary.

§ 161.4 Requirement to carry the rules.

Each VTS User shall carry on board and maintain for ready reference a copy of these rules.

NOTE: These rules are contained in the applicable U.S. Coast Pilot, the VTS User's Manual which may be obtained by contacting the appropriate VTS, and periodically published in the Local Notice to Mariners. The VTS User's Manual and the World VTS Guide, an International Maritime Organization (IMO) recognized publication, contain additional information which may assist the prudent mariner while in the appropriate VTS area.

§ 161.5 Deviations from the rules.

(a) Requests to deviate from any provision in this part, either for an extended period of time or if anticipated before the start of a transit, must be submitted in writing to the appropriate District Commander. Upon receipt of the written request, the District Commander may authorize a deviation if it is determined that such a deviation provides a level of safety equivalent to that provided by the required measure or is a maneuver considered necessary for safe navigation under the circumstances. An application for an authorized deviation must state the need and fully describe the proposed alternative to the required measure.

(b) Requests to deviate from any provision in this part due to circumstances that develop during a transit or immediately preceding a transit may be made to the appropriate Vessel Traffic Center (VTC). Requests to deviate must be made as far in advance as practicable. Upon receipt of the request, the VTC may authorize a deviation if it is determined that, based on vessel handling characteristics, traffic density, radar contacts, environmental conditions and other relevant information, such a deviation provides a level of safety equivalent to that provided by the required measure or is a maneuver

33 CFR Ch. I (7–1–15 Edition)

ever considered necessary for safe navigation under the circumstances.

[CGD 90–020, 59 FR 36324, July 15, 1994, as amended by USCG–2005–21531, 70 FR 36350, June 23, 2005; USCG–2005–21869, 80 FR 5334, Jan. 30, 2015]

§ 161.6 Preemption.

The regulations in this part have preemptive impact over State laws or regulations on the same subject matter. The Coast Guard has determined, after considering the factors developed by the Supreme Court in *U.S. v. Locke*, 529 U.S. 89 (2000), that by enacting Chapter 25 of the Ports and Waterways Safety Act (33 U.S.C. 1221 *et seq.*), Congress intended that Coast Guard regulations preempt State laws or regulations regarding vessel traffic services in United States ports and waterways.

[USCG–1998–4399, 75 FR 66314, Oct. 28, 2010]

SERVICES, VTS MEASURES, AND OPERATING REQUIREMENTS

§ 161.10 Services.

To enhance navigation and vessel safety, and to protect the marine environment, a VTS may issue advisories, or respond to vessel requests for information, on reported conditions within the VTS area, such as:

- (a) Hazardous conditions or circumstances;
- (b) Vessel congestion;
- (c) Traffic density;
- (d) Environmental conditions;
- (e) Aids to navigation status;
- (f) Anticipated vessel encounters;
- (g) Another vessel's name, type, position, hazardous vessel operating conditions, if applicable, and intended navigation movements, as reported;
- (h) Temporary measures in effect;
- (i) A description of local harbor operations and conditions, such as ferry routes, dredging, and so forth;
- (j) Anchorage availability; or
- (k) Other information or special circumstances.

§ 161.11 VTS measures.

(a) A VTS may issue measures or directions to enhance navigation and vessel safety and to protect the marine environment, such as, but not limited to:

Coast Guard, DHS

§ 161.12

(1) Designating temporary reporting points and procedures;

(2) Imposing vessel operating requirements; or

(3) Establishing vessel traffic routing schemes.

(b) During conditions of vessel congestion, restricted visibility, adverse weather, or other hazardous circumstances, a VTS may control, supervise, or otherwise manage traffic, by specifying times of entry, movement, or departure to, from, or within a VTS area.

§ 161.12 Vessel operating requirements.

(a) Subject to the exigencies of safe navigation, a VTS User shall comply with all measures established or directions issued by a VTS.

(b) If, in a specific circumstance, a VTS User is unable to safely comply with a measure or direction issued by the VTS, the VTS User may deviate

only to the extent necessary to avoid endangering persons, property or the environment. The deviation shall be reported to the VTS as soon as is practicable.

(c) When not exchanging voice communications, a VTS User must maintain a listening watch as required by § 26.04(e) of this chapter on the VTS frequency designated in Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas). In addition, the VTS User must respond promptly when hailed and communicate in the English language.

NOTE TO § 161.12(c): As stated in 47 CFR 80.148(b), a very high frequency watch on Channel 16 (156.800 MHz) is not required on vessels subject to the Vessel Bridge-to-Bridge Radiotelephone Act and participating in a Vessel Traffic Service (VTS) system when the watch is maintained on both the vessel bridge-to-bridge frequency and a designated VTS frequency.

TABLE 161.12(c)—VTS AND VMRS CENTERS, CALL SIGNS/MMSI, DESIGNATED FREQUENCIES, AND MONITORING AREAS

Center MMSI ¹ call sign	Designated frequency (channel designation)—purpose ²	Monitoring area ^{3,4}
Berwick Bay— 003669950: <i>Berwick Traffic</i>	156.550 MHz (Ch. 11) ..	The waters south of 29°45.00' N., west of 91°10.00' W., north of 29°37.00' N., and east of 91°18.00' W.
Buzzards Bay: <i>Buzzards Bay Control</i> ⁵ .	156.600 MHz (Ch. 12) ..	The waters east and north of a line drawn from the southern tangent of Sakonnet Point, Rhode Island, in approximate position latitude 41°27.20' N., longitude 71°11.70' W., to the Buzzards Bay Entrance Light in approximate position latitude 41°23.8' N., longitude 71°02.00' W., and then to the southwestern tangent of Cuttyhunk Island, Massachusetts, at approximate position latitude 41°24.60' N., longitude 70°57.00' W., and including all of the Cape Cod Canal to its eastern entrance, except that the area of New Bedford Harbor within the confines (north of) the hurricane barrier, and the passages through the Elizabeth Islands, is not considered to be "Buzzards Bay".
Houston-Galveston— 003669954. <i>Houston Traffic</i>	156.550 MHz (Ch. 11) .. 156.250 MHz (Ch. 5A).—For Sailing Plans only.	The navigable waters north of 29°00.00' N., west of 94°20.00' W., south of 29°49.00' N., and east of 95°20.00' W.
<i>Houston Traffic</i>	156.600 MHz (Ch. 12) .. 156.250 MHz (Ch. 5A).—For Sailing Plans only.	The navigable waters south of a line extending due west from the southernmost end of Exxon Dock #1 (29°43.37' N., 95°01.27' W.).
Los Angeles-Long Beach—03660465: <i>San Pedro Traffic</i>	156.700 MHz (Ch. 14) ..	<i>Vessel Movement Reporting System Area:</i> The navigable waters within a 25 nautical mile radius of Point Fermin Light (33°42.30' N., 118°17.60' W.).
Louisville—003669732: <i>Louisville Traffic</i>	156.650 MHz (Ch. 13) ..	The waters of the Ohio River between McAlpine Locks (Mile 606) and Twelve Mile Island (Mile 593), only when the McAlpine upper pool gauge is at approximately 13.0 feet or above.
Lower Mississippi River— 0036699952:		